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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,949	02/01/2001	Hans-Erich Reinfelder	P96,0463 01	9129

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EXAMINER


GREENE, DANIEL L

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 11/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/773,949	REINFELDER ET AL.	
	Examiner	Art Unit	
	Daniel L. Greene	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The Amendments filed on 9/16/2004 under 37 CFR 1.131 is sufficient to overcome the 35 U.S.C. 101 and 112 references.

Response to Arguments

2. Applicant's arguments filed 9/16/2004 have been fully considered but they are not persuasive. The Applicant submits that the " independent claims recite combining modules, or objects comprising at least one of software components and building blocks, with a semantic-less input and output configuration, and wherein an event communication framework provides automated, pattern-based, fully distributable events so that the objects are combined substantially without at least one of changing code and writing adapters. " is not referred to by Foody and, "Foody cannot implement an event communication framework providing automated, pattern-based, fully distributable events for combining modules, or objects comprising at least one of software components and building blocks with semantic-less input and output configuration. In Foody inputs and outputs are also not rules, but rather are data. In Foody, the event determines the operation and is thus link-time dependent. "
3. The Examiner disagrees and refers the Applicant to Foody claims 3 and 4 that teach about combining objects without changing code and writing parameters.

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Further, the applicant in his arguments has stated what limitations his claims require by repeating almost verbatim the claim in the argument and then states the conclusion that the prior art does not disclose these limitations.

Rule 37 CFR 1.111(b) requires that applicant MUST "distinctly and specifically point out errors" in the examiner's action. Also, arguments or conclusions of attorney cannot take the place of evidence. In re Cole, 51 CCPA 919, 326 F.2d 769, 140 USPQ 230- (1964); In re Schulze, 52 CCPA 1422, 346 F.2d 600, 145 USPQ 716 (1965); Meitzner vs. Mindick, 549 F.2d 775, 193 USPQ 17 (CCPA 1977).

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

As to claim 1:

Foody et al discloses:

"objects comprising at least one of software components and building blocks with semantic-less" (see col. 12, lines 32-36); "dynamically linkable inputs and outputs stored on a memory of the computer system" (see col. 1, lines 60-67; see col. 2, lines 1-S; see col. 10, lines 39-49); "an event communication framework providing automated, pattern-based, fully distributable events so that the objects are combined substantially without at least one of changing code and writing adapters." (see Figure 2, an overview of the system architecture in accordance with preferred embodiment of the invention; see col. 8; lines 66-67; see col. 9, lines 1-27). One having the ordinary skill in the art at the time of the invention would have found it inherent that events specifies the operations to be performed on an object and object systems have application programs that communicate with their contained objects and abide by certain input and output rules.

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As to claim 2:

Foody et al further discloses:

"wherein the inputs and outputs of the objects are provided via CsaConnectable and CsaRemote objects, respectively." (see col. 10, lines 44-48). One having the ordinary skill in the art at the time of the invention would have found it inherent in that object systems abiding by input and output rules have application programs that name the file information at the beginning of a program.

As to claim 3:

Foody et al further discloses:

"wherein each data structure associated with the inputs and outputs is described in a separate header file which can be used by every object to be linked" (see col. 10, lines 44-49).

As to claim 4:

Foody et al further discloses:

"wherein each object is a shared library which is dynamically linkable at runtime by an ASCII configuration filing names of the inputs and outputs of the objects" (see col. 15, lines 41-60; see col. 19, lines 17-25; see col. 19, lines. 8-15).

As to claim 5:

Foody et al discloses:

a memory of the computing system storing objects; Fig. 1, **104**.

"said objects comprising at least one of software components and building blocks having dynamically linkable inputs and outputs and internal tasks for queuing of data transferred into and out from the objects via said inputs and outputs, respectively" (see col. 1, lines 60-67; see col. 2, lines 1-5; see col. 10, lines 39-49);

"an event communication framework providing automated, pattern-based, fully distributable events so that the objects are combined substantially without at least one of changing code and writing adapters." (see Figure 2, an overview of the system architecture in accordance with preferred embodiment of the invention; see col. 8; lines 66-67; see col. 9, lines 1-27). One having the ordinary skill in the art at the time of the invention would have found it inherent in that events specifies the operations to be performed on an object and object systems have application programs that communicate with their contained objects and abide by certain input and output rules.

As to claim 6:

Foody et al further discloses:

"wherein the inputs and outputs of the objects are provided via CsaConnectable and CsaRemote objects, respectively." (see col. 10, lines 44-48). One having the ordinary skill in the art at the time of the invention would have found it inherent in that

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object systems abiding by input and output rules have application programs that name the file information at the beginning of a program.

As to claim 7:

Foody et al further discloses;

"wherein each data structure associated with the inputs and outputs is described in a separate header file which can be used by every object to be linked." (see col. 10, lines 44-49).

As to claim 8:

Foody et al further discloses:

"wherein each object is a shared library which is dynamically linkable at runtime by an ASCII configuration file containing names of the inputs and outputs of the objects" (see col. 15, lines 41-60; see col. 19, lines 17-25; see col. 19, lines 8-15).

As to claim 9:

Foody et al discloses "defining input and output events that are fully distributable" (see col. 1, lines 60-67; see col. 2, lines 1-5; see col. 10, lines 39-49); "configuring dynamic linkable, semantic-free components by input and output connection points and storing the modules on a memory of the computer system" (see col. 1, lines 60-67; see col. 2, lines 1-5; see col. 10, lines 39-49; see col. 12, lines 32-36); "providing auto routed pattern based fully distributable events based on an event

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communication framework so that the modules are combined substantially without at least one of changing code and writing adapters." (see Figure 2, an overview of the system architecture in accordance with preferred embodiment of the invention; see col. 8; lines 66-67; see col. 9, lines 1-27). One having the ordinary skill in the art at the time of the invention would have found it inherent in that events specifies the operations to be performed on an object.

As to claim 10:

Foody et al discloses:

"objects comprising at least one of software components and building blocks with semantic-less dynamically linkable inputs and outputs stored on a memory of the computer system " (see col. 1, lines 60-67; see col. 2, lines 1-5; see col. 10, lines 39-49; see col. 12, lines 32-36); "an event communication framework providing automated, pattern-based, fully distributable events so that the objects are combined substantially without at least one of changing code and writing adapters "(see Figure 2, an overview of the system architecture in accordance with preferred embodiment of the invention; see col. 8; lines 66-67; see col. 9, lines 1-27). One having the ordinary skill in the art at the time of the invention would have found it inherent in that events specifies the operations to be performed on an object and object systems have application programs that communicate with their contained objects and abide by certain input and output rules.

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As to claim 11:

Foody et al further discloses:

"wherein the inputs and outputs of the objects are provided CsaConnectable and CsaRemote objects, respectively." (see col. 10, lines 44-48). One having the ordinary skill in the art at the time of the invention would have found it inherent in that object systems abiding by input and output rules have application programs that name the file information at the beginning of a program.

As to claim 12:

Foody et al further discloses:

"wherein each data structure associated with the inputs and outputs is describe in a separate header file which can be used by every object to be linked" (see col. 10, lines 44-49).

As to claim 13:

Foody et al further discloses:

"wherein each object is a shared library which is dynamically linkable at runtime by an ASCII configuration filing names of the inputs and outputs of the objects" (see col. 15, lines 41-60; see col. 19, lines 17-25; see col. 19, lines 8-15).

As to claim 14:

Foody et al discloses:

"object oriented code for an object orientated computing system on a computing system" (see col. 1, lines 60-67; see col. 2, lines 1-5; see col. 10, lines 39-49; see col. 12, lines 32-36);

"objects comprising at least one of software components and building blocks stored on a memory of the computer system and having dynamically linkable inputs and outputs and internal tasks for queuing of data transferred into and out from the objects via said inputs and outputs" (see col. 1, lines 60-67; see col. 2, lines 1-5; see col. 10, lines 39-49);

"an event communication framework providing automated, patter-based, fully distributable events so that the objects are combined substantially without at least one of changing code and writing adapters " (see Figure 2, an overview of the system architecture in accordance with preferred embodiment of the invention; see col. 8; lines 66-67; see col. 9, lines 1-27). One having the ordinary skill in the art at the time of the invention would have found it inherent in that events specifies the operations to be performed on an object and object systems have application programs that communicate with their contained objects and abide by certain input and output rules.

As to claim 15:

Foody et al further discloses:

"wherein the inputs and outputs of the objects are provided via CsaConnectable and CsaRemote objects, respectively." (see col. 10, lines 44-48). One having the ordinary skill in the art at the time of the invention would have found it inherent in that object systems abiding by input and output rules have application programs that name the file information at the beginning of a program.

As to claim 16:

Foody et al further discloses:

"wherein each data structure associated with the inputs and outputs is described in a separate header file which can be used by every object to be linked" (see col. 10, lines 44-49).

As to claim 17:

Foody et al further discloses:

"wherein each object is a shared library which is dynamically linkable at runtime by an ASCII configuration file containing names of the inputs and outputs of the objects" (see col. 15, lines 41-60; see col. 19, lines 17-25; see col. 19, lines 8-15).

As to claim 18:

Foody et al discloses "defining input and output events that are fully distributable" (see col. 1, lines 60-67; see col. 2, lines 1-5; see col. 10, lines 39-49);

"configuring dynamic linkable, semantic-free software components by input and output connections points and stored on a memory of the computer system " (see col. 1, lines 60-67; see col. 2, lines 1-5; see col. 10, lines 39-49; see col. 12, lines 32-36);

"providing auto routed pattern based fully distributable events based on an event communication framework so that the components are combined substantially without at least one of changing code and writing adapters " (see Figure 2, an overview of the system architecture in accordance with preferred embodiment of the invention; see col. 8; lines 66-67; see col. 9, lines 1-27). One having the ordinary skill in the art at the time of the invention would have found it inherent in that events specifies the operations to be performed on an object and object systems have application programs that communicate with their contained objects and abide by certain input and output rules.

Conclusion

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

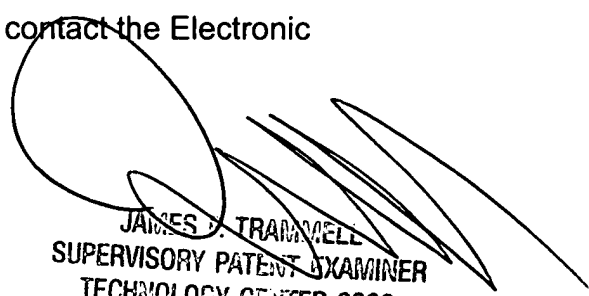
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Greene whose telephone number is 703-306-5539. The examiner can normally be reached on M-Thur. 8am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

11/22/2004

dlg



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